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1654-110
PATENT
ATTORNEY DOCKET NO. 013306-5003 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 Ian Duncan RUBIN *et al.*)
)
 Application No.: 09/891,615) Group Art Unit: 1654
)
 Filed: June 27, 2001) Examiner: Michele C. Flood
)
 For: *Extracts, Compounds And*)
 Pharmaceutical Compositions Having)
 Anti-Diabetic Activity And Their Use)

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT
TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Response to the Restriction Requirement dated November 29, 2002.
2. Additional papers enclosed:

Information Disclosure Statement
 Form PTO-1449
 Citations

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required.

Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input checked="" type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

If an additional extension of time is required, please consider this a Petition therefor.

[] An extension for months has already been secured and the fee paid therefor of
\$ is deducted from the total fee due for the total months of extension now
requested.

4. Constructive Petition

[x] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby
authorized by this paper to charge any additional fees during the entire pendency of this
application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,
including any required extension of time fees, or credit any overpayment to **Deposit
Account 50-0310**. This paragraph is intended to be a **CONSTRUCTIVE PETITION
FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Payment

[X] The Commissioner is hereby authorized to charge \$930.00 for a three-month extension of
time fee due to **Deposit Account No. 50-0310**.

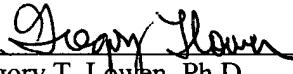
[] The Commissioner is hereby authorized to charge for any additional fees which may be
required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment
to **Deposit Account 50-0310**.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 28, 2003

By:



Gregory T. Lowen, Ph.D.
Reg. No. 46,882

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PATENT
ATTORNEY DOCKET NO.: 013306-04-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ian Duncan RUBIN *et al.*

Application No.: 09/891,615

Filed: June 27, 2001

For: EXTRACTS, COMPOUNDS AND
PHARMACEUTICAL COMPOSITIONS
HAVING ANTI-DIABETIC ACTIVITY
AND THEIR USE

) Group Art Unit: 1654

) Examiner: Michele C. Flood

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

AMENDMENT AND RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In Paper No. 8, Applicants responded to a Restriction Requirement mailed on August 27, 2002 by electing, with traverse, the claims 1-12, 18, 25, 29-30, 32 and 34 of Group I. In response to the Restriction Requirement mailed on November 29, 2002 (Paper No. 9), Applicants respectfully elect, without traverse, the compound of formula (1) as the single species and identify claims 1-12, 18, 25, 29-30, 32 and 34 as encompassing the elected species. A petition for fee payment for a three-month extension of time accompanies this Response.

REMARKS

Applicants were notified in Paper No. 9 that the application was transferred from Art Unit 1623 to Art Unit 1654 and that an election of a species requirement has been deemed necessary. Accordingly, the Examiner made a restriction requirement requiring election of a single disclosed species for prosecution on the merits and a listing of all claims readable thereon.

Applicants therefore elect, without traverse, the compound of formula (1) as the single

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